

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

OKLAHOMA POLICE PENSION AND  
RETIREMENT SYSTEM, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

STERLING BANCORP, INC., et al.,

Defendants.

Case 5:20-cv-10490-JEL-EAS

Hon. Judith E. Levy

Hon. Judge Elizabeth A. Stafford

CLASS ACTION

**ORDER APPOINTING LEAD PLAINTIFF AND APPROVING ITS  
SELECTION OF INTERIM LEAD COUNSEL  
AND INTERIM LOCAL COUNSEL**

Having considered the papers filed in support of the Motion of Oklahoma Police Pension and Retirement System (“Oklahoma Police”) for Appointment as Lead Plaintiff and Approval of its Selection of Lead Counsel and Local Counsel pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), and Section 27(a)(3)(B) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3)(B), both as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), and for good cause shown, the Court hereby enters the following Order:

**I. APPOINTMENT OF LEAD PLAINTIFF**

The Court hereby concludes that Oklahoma Police is the “most adequate

plaintiff” and that it satisfies the requirements of Section 21D of the PSLRA. The Court hereby appoints Oklahoma Police as Lead Plaintiff in this Action and in any related actions subsequently transferred to or filed in this Court, pursuant to 15 U.S.C. § 78u-4(a)(3)B).

In accordance with Rule 42(a) of the Federal Rules of Civil Procedure, any subsequently filed, removed or transferred actions that are related to the claims asserted in the above-captioned action are consolidated with this Action for all purposes.

## **II. APPROVAL OF SELECTION OF INTERIM LEAD COUNSEL AND INTERIM LOCAL COUNSEL**

Oklahoma Police has selected Berman Tabacco to serve as Lead Counsel and Weitz & Luxenberg to serve as Local Counsel. Oklahoma Police has conferred with counsel of record regarding its motion, but has not conferred with the individual Defendants because it is not yet aware of who their counsel will be. (ECF No. 14.) Nor have Oklahoma Police conferred with counsel for other potential lead plaintiff movants because it does not know which other class members who later emerge may challenge Oklahoma Police’s selection of lead counsel. (ECF No. 14.)

Accordingly, the Court approves of Oklahoma Police’s selection as interim only, and appoints Berman Tabacco as Interim Lead Counsel and Weitz & Luxenberg to serve as Interim Local Counsel for the Action. Interim Lead Counsel shall make all work assignments in such a manner as to facilitate the orderly and

efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

Additionally, Interim Lead Counsel shall have the following responsibilities:

- (a) File any amended complaint(s);
- (b) Brief and argue motions;
- (c) Initiate and conduct discovery including, without limitation, coordination of discovery with defendants' counsel, the preparation of written interrogatories, requests for admissions and requests for production of documents;
- (d) Direct and coordinate the examination of witnesses in depositions;
- (e) Act as spokesperson at pretrial conferences;
- (f) Initiate and conduct any settlement negotiations with counsel for the Defendants;
- (g) Consult with and employ experts; and
- (h) Supervise all other matters related to the prosecution or resolution of the Action.

Interim Lead Counsel and Interim Local Counsel will be converted to Lead Counsel and Local Counsel if there is no objection from the Individual Defendants and other Plaintiffs by the time of the scheduling conference in this case.

**IT IS SO ORDERED.**

DATED: May 1, 2020

/s/ Hon. Judith E. Levy  
Honorable Judith E. Levy  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 1, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager